



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

April 4, 2007

Reply To
Attn Of: ECO-088

Ref: 04-012-AFS

Carol Hughes
Survey and Manage SEIS Team
PO Box 2965
Portland, Oregon 97208-2965

Dear Ms. Hughes:

The U. S. Environmental Protection Agency (EPA) has reviewed the **Draft Supplement to the July 2006 Draft Supplement to the 2004 Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines**. Our review of the Draft Supplement was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the Draft Supplement to the FSEIS will consider the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

In 2001, the U.S. Forest Service (FS) and the Bureau of Land Management (BLM) (Agencies) amended the 1994 Northwest Forest Plan (NWFP) by issuing the Record of Decision (ROD) for Amendments to the Northwest Forest Plan (2001 ROD). The 2001 ROD modified the Survey and Manage program by revising management categories and criteria, and by creating an annual species review (ASR) process for adding, removing, or changing a species from one category to another. ASRs were conducted in 2001, 2002, and 2003. Together, these ASRs resulted in a management change for 85 species, including the red tree vole (RTV) within the Mesic Zone. The RTV was assigned to a less protective management category after the 2001 ASR, and then removed from the Survey and Manage program after the 2003 ASR.

In 2004, the Agencies revisited the Survey and Manage program, and developed another Supplemental Environmental Impact Statement (SEIS) entitled *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines for the Northwest Forest Plan; National Forests and Bureau of Land Management Districts in Washington, Oregon and California Within the Range of the Spotted Owl*. This document examined three alternatives. Alternative 1, the no-action alternative, would continue implementation of the Survey and Manage program. Alternative 2, the proposed action, would amend Agencies' guidelines in the NWFP area to remove the Survey and Manage mitigation requirements from the NWFP. Under this alternative, species that qualified would receive treatment under the Agencies' special status species programs (SSSP). Alternative 3 would amend the Agencies' guidelines to modify the Survey and Manage measures. In March of 2004, the Agencies signed the ROD in which they selected Alternative 2 (the preferred alternative).

In August of 2005, the United States District Court, Western District of Washington, identified three deficiencies in the 2004 SEIS. To address those deficiencies, the Agencies issued a supplement to the 2004 SEIS in July of 2006 (2006 SEIS). That document (1) analyzed potential impacts to Survey and Manage species if they were not added to or were removed from the Forest Service's and BLM's respective programs for special status species; (2) provided an analysis of the assumption that the late-successional reserves would adequately protect species that the Survey and Manage standard was introduced to protect; and (3) disclosed and analyzed flaws in the methodology used for calculating the acreage in need of hazardous fuel treatments.

In November of 2006, the United States Court of Appeals for the Ninth Circuit ruled that the BLM violated the Federal Land Policy and Management Act (FLPMA) and NEPA when it authorized two timber sales in Oregon in red tree vole habitat. The court found that the 2001 ASR category change and the 2003 ASR removal of the red tree vole from the Survey and Manage program within the Mesic Zone constituted a Resource Management Plan (RMP) amendment, which should have had accompanying NEPA analysis.

The current DSEIS is intended to address this deficiency by adding another no-action alternative (Alternative 4) to those considered in the 2004 SEIS and the 2006 SEIS. Under this new Alternative 4, it is assumed that the ASR changes of 2001, 2002 and 2003 never occurred. Thus, an additional 58 species are included in all or part of their range, and another 32 are in different categories in all or part of their range. Effects on these species are considered within the context of the new no-action alternative, and the other action alternatives described above.

Based on the information provided, we are rating the Draft Supplement as LO (Lack of Objections). An explanation of this rating is enclosed. The additional analysis provides a more comprehensive picture of the status of the species initially identified in the Survey and Manage program, and provides important insight to managers as many of these species are moved into the Agencies' Special Status Species Programs (SSSP). We do note, however, that the analysis supports the adoption of the preferred alternative in large part because of the existing network of reserves. We therefore encourage the Agencies to continue to revisit the habitat needs of all 337 Survey and Manage species as planning efforts across the NWFP area move forward. Please see Attachment 2 for additional, detailed comment.

We appreciate the opportunity to comment on this draft supplement. If you have any questions regarding our comments, please contact Teresa Kubo of my staff at (503) 326-2859 or by email at kubo.teresa@epa.gov.

Sincerely,

/s/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

EPA Detailed Comments on the Draft Supplement EIS

As noted in the NWFP Synthesis of Monitoring and Research Results (PNW-GTR-651), the knowledge gained through the Survey and Manage program on specific distribution and abundance of many of the Survey and Manage species has helped greatly reduce scientific uncertainty. As used in the ASR process, this information helped reduce management uncertainty and increased the reliability of management decisions on the conservation requirements of these species. By revisiting this information, and incorporating knowledge gained since the last ASR, the DEIS effectively validates the Agencies' previous ASR determinations.

In revisiting the justifications for the Survey and Manage category and listing changes in Appendix A, the current document also underscores the importance of the existing reserve network. Many of the species removed from the Survey and Manage list through the ASR process (such as the Red Tree Vole) were removed because "...the reserve system and other Standards and Guidelines of the Northwest Forest Plan do appear to provide for a reasonable assurance of species persistence" (Page A9-90).

The red tree vole is a good example of a late-successional old growth (LSOG)-associated species that has benefited from the NWFP reserve network and management guidelines. As noted on page 51 of the DEIS, the large size of the Late Successional Reserves and the connectivity provided by Riparian Reserves result in a high likelihood of providing sufficient habitat for stable vole populations in the Mesic zone. It is worth noting that the population stronghold created by the reserve network is key given the unstable vole populations in the Xeric Zone and the northern Cascades and north coast portions of the Northern Mesic Zone (2006 SEIS). It should also be noted that changes to the reserve network were not envisioned in the outcomes of past ASR decisions or actions. As such, any changes to the existing reserve strategy may require revision of the habitat outcomes predicted for Survey and Manage species in this and previous SEIS documents.

We also continue to encourage the Agencies to avail themselves of the knowledge gained through the Survey and Manage Program as they implement their Sensitive Status Species Programs (SSSP). Specifically, the SSSP should take advantage of the known site database, distribution maps, science documents, management guidelines, survey protocols, and conservation strategies that were pioneered through the Survey and Manage program. Incorporating these features, along with lessons learned from the NWFP on species responses and program implementation can help guide successful outcomes.